

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Adrian Pell	Examiner:	Jacob Lipman
Serial No.:	09/678,573	Group Art Unit:	2134
Filed:	October 3, 2000	Docket No.:	10990443-1
Title:	Methods and Systems for Customer Premises Remote Collaboration Facility		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed February 12, 2007 and Notice of Appeal filed May 14, 2007.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1 – 20 stand finally rejected. The rejection of claims 1 – 20 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

One embodiment is directed to vendor/customer support and management systems and in particular to improved usage of the Internet for collaborative remote support between a customer and a support representative of a vendor (see Field of the Invention).

Claim 1

A system for securely exchanging information between systems comprising:
a requesting system (FIG. 1: Customer Premises) coupled to the Internet from which a user requests assistance from a support representative wherein said user utilizes a Web browser (#108) client to request said assistance (p. 7, line 29 – p. 8, line 10);

a support representative system (FIG. 1: Support/Management Premises) coupled to the Internet from which a support representative responds to the requesting user to provide assistance (p. 8, lines 10-25); and

a collaboration server system (#100) coupled to the Internet and accessible to both said requesting system and said support representative system for receiving a request from the user for assistance and for processing said request for assistance wherein said collaboration server system includes (p. 8, lines 10-25):

a rendezvous service (#102), responsive to receipt of said request for assistance from the user, to initiate communications between the user and the support representative over the Internet between said requesting system and said support representative system in presence of firewall protection (#130) in said requesting system and in said support representative system (p. 7, lines 1-8; p. 8, lines 10-20); and

an interaction service (#104) for managing continued interaction between said support representative system and said requesting system in presence of firewall protection (#132) in said requesting system and in said support representative system (p. 7, lines 1-8; p. 8, lines 21-25).

Claim 2

The system of claim 1 wherein said rendezvous service includes:
a support representative locator (#804) for locating said support representative that is a user who responds to said request for assistance (p. 9, lines 10-17).

Claim 11

A collaboration server system (#100) for securely exchanging information between a requesting system (FIG. 1: Customer Premises) and a support representative system (FIG. 1: Support/Management Premises), said collaboration server system comprising:

a rendezvous service (#102), responsive to receipt of a request for assistance generated by a user of a Web browser client (#108) operating on said requesting system, to initiate communications via the Internet between said user and support personnel at said support representative system, said requesting system and said support representative system each having firewall protection (#130, 132: p. 8, lines 2-20); and

an interaction service (#104) for managing continued communication between said support personnel and said user in presence of firewall protection at said requesting system and firewall protection at said support representative system (p. 8, lines 21-25).

Claim 12

The system of claim 11 wherein said rendezvous service includes:
a support representative locator (#804) for locating a support representative that is a user who responds to said request for assistance (p. 9, lines 10-17).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 — 20 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,052,531 (Waldin) in view of Microsoft Press, in Computer Dictionary (Microsoft Dictionary).

VII. ARGUMENT

The rejection of claims 1 — 20 is improper, and Applicants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Applicants present separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Claim Rejections: 35 USC § 103

Claims 1 — 20 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,052,531 (Waldin) in view of Microsoft Press, in Computer Dictionary (Microsoft Dictionary). Applicant respectfully traverses.

The claims recite one or more elements that are not taught or suggested in Waldin in view of Microsoft Dictionary. Some examples are provided below.

Claim 1

Independent claim 1 recites numerous recitations that are not taught or suggested in Waldin in view of Microsoft Dictionary. For example, claim 1 recites (emphasis added):

a requesting system coupled to the Internet **from which a user requests assistance from a support representative** wherein said **user utilizes a Web browser client to request said assistance**.

The Office Action cites Waldin at col. 4, lines 1 – 12 for teaching these recitations. This section is reproduced below for convenience:

Referring to FIG. 1, a virus protection software application 110 which incorporates a number of virus detecting routines 112, and utilizes a number of data files containing virus information 114, is

installed on a user's computer 116. Because of the rate at which new viruses are created, it is desirable to update the virus protection software applications on the user's computer frequently. These updates could take place as often as daily, or even more frequently if desired. Generally, these updated applications 110 will include only small changes to the data files 114, but sometimes larger changes to the virus detecting routines 112 will also be included.

Nowhere, for example, does this section of Waldin teach or suggest that a user requests assistance from a support representative. Further, nowhere does this section of Waldin teach or suggest that a user utilizes a Web browser client to request the assistance. In fact, nowhere does Waldin even discuss browsers or users utilizing browsers to request assistance.

In response to Applicant's argument, the Office Action contends that "Waldin discloses that a user's virus protection software is updated. An update is a request from a user from a support representative" (see OA mailed 09/15/06 at p. 6). For several reasons, Applicant respectfully disagrees.

First, claim 1 recites that a user utilizes the Web browser to request **assistance from a support representative**. Waldin is directed to distributing incremental patches to update virus protection software to users. Nowhere does Waldin teach or suggest that a user uses a web browser to request "assistance from a support representative." **The Examiner is ignoring the human elements of a user and support representative recited in the claims and supported in the specification.**

Second, claim 1 recites that a "user" uses the browser to make a request for assistance. Waldin does not mention anywhere that **users** make requests for assistance from a support representative. By contrast, Waldin explicitly teaches that a program on the user's computer retrieves update software patches: "The updater program 126 determines what patch files 122 are necessary, retrieves them and applies them to the application to be updated 110" (col. 4, lines 38-40). **A program is not a user.**

As yet another example, claim 1 recites (emphasis added):

a support representative system coupled to the Internet from which a support representative **responds to the requesting user to provide assistance.**

The Office Action cites Waldin at col. 4, lines 17 – 24 for teaching these recitations. This section is reproduced below for convenience:

Each time an updated software application 110 is produced by the virus protection software publisher, the updated form of the software application constitutes a new version. The software publisher uses an incremental update builder, such as binary patch file builder 120, to produce at least one incremental update, such as binary patch file 122, which can transform a previous version of the software application to the current version.

Nowhere, for example, does this section of Waldin teach or suggest that the support representative system responds to the requesting user to provide assistance. As noted above, the user in Waldin does not make a request. Instead, an updater program in the user's computer determines what patch files are necessary and retrieves them (see col. 4, lines 38-40). So, a "user" never makes a request in Waldin. Further, claim 1 recites that the user requests "assistance." Requests for assistance are not taught or suggested in Waldin. Instead, Waldin teaches methods and apparatus for distributing software update patches.

As still yet another example, claim 1 recites (emphasis added):

a collaboration server system ... **for receiving a request from the user for assistance and for processing said request for assistance.**

The Office Action cites Waldin at col. 8, lines 28 – 57 for teaching these recitations. Applicant scrutinized this section. Nowhere does this section teach or suggest that the collaboration server system is for receiving a request **from a user** for assistance and for processing the request for assistance. This section of Waldin does not even mention receiving requests for assistance from users. In Waldin, requests for assistance are never made. Instead, Waldin teaches that an updater program in the user's computer determines what patch files are necessary and retrieves them (see col. 4, lines 38-40).

In response to Applicant's argument, the Office Action contends that "Waldin discloses the representative sends the update (column 4 lines 35-40)." For several reasons, Applicant respectfully disagrees. First, column 4, lines 35-40 of Waldin teach that an updater program in the user's computer determines what patch files are necessary and retrieves them. Notice that this section of Waldin does not teach or suggest receiving a "request from the user for assistance." Instead, a program in the user's computer retrieves patch files from a server ("The binary patch files 122 are stored on an update data source 124 (a server) which makes the patch files available to an updater program 126." See col. 4, lines 35-38).

For at least these reasons, claim 1 is allowable over Waldin in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 1.

As yet another example, claim 1 recites communications between the user and the support representative "in presence of firewall protection in said requesting system and in said support representative system." Waldin does not even mention firewalls.

For at least these reasons, claim 1 is allowable over Waldin in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 1.

Claim 11

Independent claim 11 recites numerous recitations that are not taught or suggested in Waldin in view of Microsoft Dictionary. For example, claim 11 recites (emphasis added):

a rendezvous service, **responsive to receipt of a request for assistance generated by a user of a Web browser client** operating on said requesting system.

Nowhere does Waldin teach or suggest a service that is responsive to receipt of a request for assistance generated by a user of a Web browser client. In fact, Waldin does not teach or suggest the use of a browser as claimed. The Office Action cites several sections of Waldin (namely, col. 4, lines 1 – 12, 17 – 24 and col. 8, lines 28 – 57). None of these sections disclose or suggest a service that is responsive to receipt of a request for assistance.

FIG. 1 of Waldin shows a user computer 116 coupled to a server 124 and software publisher 118. Waldin does not teach or suggest that either the server 124 or the software publisher 118 receives a request for assistance from a user of a web browser. Requests for assistance are not mentioned in Waldin. Instead, Waldin teaches a program in the user's computer retrieves patch files from a server. "The binary patch files 122 are stored on an update data source 124 (a server) which makes the patch files available to an updater program 126" (see col. 4, lines 35-38).

As another example, claim 11 recites the following:

a rendezvous service ... to initiate communications via the Internet between said user and support personnel at said support representative system, said requesting system and said support representative system each having firewall protection.

Again, Waldin does not discuss communications with "support personnel." Further, Waldin does not even discuss firewall protection. Nowhere does Waldin teach or suggest a rendezvous service that initiates communication between a user and support personnel with the requesting system and the support representative system each having firewall protection.

For at least these reasons, claim 11 is allowable over Waldin in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 11.

Claims 2 and 12

Claims 2 and 12 recite a support representative locator for locating said support representative that is a user who responds to said request for assistance. Nowhere does Waldin teach or even suggest that a human (i.e., support representative) responds to a request for assistance. The Examiner cites Waldin at column 4, lines 38 – 39. This section of Waldin teaches an updater program, not a support representative. **A program is not a person.**

The Examiner takes official notice that it is inherent that humans write programs. Humans do write programs, but this fact has nothing whatsoever to do with interpreting a program to be a person.

According to MPEP § 2111.01, the words of a claim must be given their “plain meaning.” Applicants further acknowledge that claims must be given their broadest interpretation during patent examination. However, this interpretation must be a “**reasonable interpretation consistent with the specification**” (see MPEP 2111: emphasis added). It is not reasonable to interpret a program as being a person.

Claim Rejections: 35 USC § 103

Claims 1 – 5 and 11 – 15 are rejected under 35 USC § 103(a) as being unpatentable over USPN 5,802,518 (Karaev) in view of Microsoft Press, in Computer Dictionary (Microsoft Dictionary). Applicant respectfully traverses.

The claims recite one or more elements that are not taught or suggested in Karaev in view of Microsoft Dictionary. Some examples are provided below.

Claim 1

Independent claim 1 recites numerous recitations that are not taught or suggested in Karaev in view of Microsoft Dictionary. As one example, claim 1 recites communications between the user and the support representative “in presence of firewall

protection in said requesting system and in said support representative system.” Karaev does not even mention firewalls.

The Examiner argues that in view of Microsoft Dictionary discloses firewalls and therefore would be usable in Karaev. Applicants traverse. The Examiner has merely found a reference that mentions firewalls. There is no suggestion whatsoever in Karaev or Microsoft Dictionary that firewalls can be placed in the embodiments in Karaev as recited in the claims.

For at least these reasons, claim 1 is allowable over Karaev in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 1.

As another example, claim 1 recites (emphasis added):

a requesting system coupled to the Internet **from which a user requests assistance from a support representative** wherein said **user utilizes a Web browser client to request said assistance.**

The Office Action cites Karaev at col. 3, lines 47-57 for teaching these recitations. This section is reproduced below for convenience:

According to the representative embodiment of the present invention, each user has a user computer, such as, for example, a personal computer with an Intel Pentium processor and a fast modem that the user can use to connect to the Internet. The user computer has one or more local storage devices. In the representative embodiment, the user computer executes Netscape's Navigator 2.1 browser program. However, other browser programs, such the Mosaic browser or Microsoft's Internet Explorer 2.0 browser could also be used. As used herein, the browser programs executed by the user computer will be termed "Internet browsers.

Nowhere, for example, does this section of Karaev teach or suggest that a user requests assistance from a support representative. In fact, nowhere does Karaev even discuss browsers or users utilizing browsers to request assistance from support representatives.

For at least these reasons, claim 1 is allowable over Karaev in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 1.

As yet another example, claim 1 recites (emphasis added):

a support representative system coupled to the Internet from which a support representative **responds to the requesting user to provide assistance.**

The Office Action cites Karaev at col. 4, lines 6 – 14 for teaching these recitations. This section is reproduced below for convenience:

In the representative embodiment, the repository server can provide the user with a list of new documents that have been recently received by the repository server and which that user is authorized to access. The user may also request a list of documents that fit certain user-specified search criteria. A list of the documents that match that search criteria and which the user is authorized to access is provided to the user computer. The user can then select, request and view documents from these lists.

Nowhere, for example, does this section of Karaev teach or suggest that the support representative responds to the requesting user to provide assistance. This section merely states that a server (not a support representative) responds to a user.

For at least these reasons, claim 1 is allowable over Karaev in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 1.

Claim 11

Independent claim 11 recites numerous recitations that are not taught or suggested in Karaev in view of Microsoft Dictionary. For example, claim 11 recites the following:

a rendezvous service ... to initiate communications via the Internet between said user and support personnel at said support representative system, said requesting system and said support representative system each having firewall protection.

Again, Karaev does not discuss communications with “support personnel.” Further, Karaev does not even discuss firewall protection. Nowhere does Karaev teach or suggest a rendezvous service that initiates communication between a user and support personnel with the requesting system and the support representative system each having firewall protection.

The Examiner argues that in view of Microsoft Dictionary discloses firewalls and therefore would be usable in Karaev. Applicants traverse. The Examiner has merely found a reference that mentions firewalls. There is no suggestion whatsoever in Karaev or Microsoft Dictionary that firewalls can be placed in the embodiments in Karaev as recited in the claims.

For at least these reasons, claim 11 is allowable over Karaev in view of Microsoft Dictionary. The dependent claims are allowable for at least the reasons given in connection with claim 11.

CONCLUSION

In view of the above, Applicants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
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P.O. Box 272400
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Respectfully submitted,

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VIII. Claims Appendix

1. (previously presented) A system for securely exchanging information between systems comprising:

a requesting system coupled to the Internet from which a user requests assistance from a support representative wherein said user utilizes a Web browser client to request said assistance;

a support representative system coupled to the Internet from which a support representative responds to the requesting user to provide assistance; and

a collaboration server system coupled to the Internet and accessible to both said requesting system and said support representative system for receiving a request from the user for assistance and for processing said request for assistance wherein said collaboration server system includes:

a rendezvous service, responsive to receipt of said request for assistance from the user, to initiate communications between the user and the support representative over the Internet between said requesting system and said support representative system in presence of firewall protection in said requesting system and in said support representative system; and

an interaction service for managing continued interaction between said support representative system and said requesting system in presence of firewall protection in said requesting system and in said support representative system.

2. (previously presented) The system of claim 1 wherein said rendezvous service includes:

a support representative locator for locating said support representative that is a user who responds to said request for assistance.

3. (previously presented) The system of claim 2 wherein said support representative locator includes:

rendezvous rules; and

a rules evaluator for selecting said support representative in

accordance with said rendezvous rules.

4. (original) The system of claim 1 wherein said requesting system includes:

- a support proxy for receiving from said interaction service a response to said request for assistance.

5. (original) The system of claim 4 wherein said response is generated by said support representative system and transmitted to said interaction service.

6. (original) The system of claim 5 wherein said response includes:

- an operational module to be loaded and executed on said requesting system.

7. (original) The system of claim 6 wherein said support proxy loads and executes said operational module.

8. (original) The system of claim 6 wherein said operational module includes:

- a digital signature for verifying the origin of said operational module.

9. (original) The system of claim 8 wherein said support proxy verifies the integrity of said operation module using said digital signature.

10. (original) The system of claim 9 wherein said digital signature uses a key of at least 128 bits.

11. (previously presented) A collaboration server system for securely exchanging information between a requesting system and a support representative system, said collaboration server system comprising:

- a rendezvous service, responsive to receipt of a request for assistance generated by a user of a Web browser client operating on said requesting system, to initiate communications via the Internet between said user and support personnel at said support

representative system, said requesting system and said support representative system each having firewall protection; and

an interaction service for managing continued communication between said support personnel and said user in presence of firewall protection at said requesting system and firewall protection at said support representative system.

12. (previously presented) The system of claim 11 wherein said rendezvous service includes:

a support representative locator for locating a support representative that is a user who responds to said request for assistance.

13. (previously presented) The system of claim 12 wherein said support representative locator includes:

rendezvous rules; and
a rules evaluator for selecting said support representative in accordance with said rendezvous rules.

14. (original) The system of claim 11 wherein said collaboration server system includes:

a support proxy operable in said requesting system for receiving from said interaction service a response to said request for assistance.

15. (original) The system of claim 14 wherein said response is generated by said support representative system and transmitted to said interaction service.

16. (original) The system of claim 15 wherein said response includes:

an operational module to be loaded and executed on said requesting system.

17. (original) The system of claim 16 wherein said support proxy loads and executes said operational module within said requesting system.

18. (original) The system of claim 16 wherein said operational module includes:

a digital signature for verifying the origin of said operational module.

19. (original) The system of claim 18 wherein said support proxy verifies the integrity of said operation module using said digital signature.

20. (original) The system of claim 19 wherein said digital signature uses a key of at least 128 bits.

21. — 30. (canceled)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.